

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

DOMINION NUCLEAR CONNECTICUT, INC.
Employer

and

Case 01-RC-106263

INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, LOCAL 457, AFL-CIO
Petitioner

ORDER

On August 1, 2014, the Board granted the Employer's Request for Review regarding the appropriateness of the unit determined by the Regional Director in his Decision and Direction of Election,¹ but denied the Petitioner's Request for Review as failing to raise any substantial issues warranting review.² The election has been held in this case and the ballots impounded pending the Board's review.

Pursuant to the Board's Order, the parties filed briefs on review. In the introduction to its brief, the Employer stated: "To avoid further delay, [the Employer] is also willing to accept the [the Decision and Direction of Election's] unit determination for [the] purposes of this case, which would allow the Region to count and tally the appropriate ballots. Notwithstanding the foregoing, should the Board choose to proceed with a review of the entire record based on the issues described in the Order, [the Employer] submits the following Brief On Review." We have construed the Employer's statement in this regard as a motion to withdraw its request for review. Under these circumstances, we find that the Employer has now accepted the Regional Director's unit determination and that the Board's order granting review is moot.

Accordingly, the proceeding is remanded to the Regional Director to open and count the ballots, to serve on the parties a tally of ballots, and to take further appropriate action.

Dated, Washington, D.C., October 31, 2014

MARK GASTON PEARCE, CHAIRMAN

PHILIP A. MISCIMARRA, MEMBER

NANCY SCHIFFER, MEMBER

¹ The Board denied the Employer's Request for Review as to the Regional Director's findings regarding several disputed classifications.

² The Board directed the parties to address whether the unit found appropriate by the Regional Director, or any unit other than the plant-wide unit proposed by the Employer, would constitute a well-defined administrative segment as set out in the Board's public utility presumption. The Board also asked the parties to address the application of *Oakwood Care Center*, 343 NLRB 659 (2004) to the inclusion of the matrixed employees within the unit found appropriate by the Regional Director or any other unit.